



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Erik Baptist *Erik Baptist (10/12/17)*  
Senior Deputy General Counsel

TO: Kevin S. Minoli  
Acting General Counsel  
Designated Agency Ethics Official

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I confirm that I am recused from participating personally and substantially in any particular matter that that would have a direct and predictable effect on the **George Washington University Law School Alumni Association** (given my fiduciary position) or with **Alphabet Inc. (Google)**, and **US Bancorp**. Although OGC/Ethics advises that conflicts are unlikely to arise, I understand that I am prohibited from participating personally and substantially in any particular matter that affects these entities as a specific party or as a member of an affected class, including any particular matter of general applicability that is focused on the **internet**

**technology or the banking sectors.**

#### *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, the **American Petroleum Institute (API)**, or any former client to whom I provided legal services during the past two years is a party or represents a party. I understand that my recusal from particular matters involving API as a specific party lasts until June 18, 2019, which is two years from the date that I joined federal service. Attached is a list of cases involving the API that I will not participate in during this two-year period.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

Pursuant to Section 1, Paragraph 7 of the Executive Order, since I was a registered lobbyist during the past two years, I understand that I am also prohibited from participating in any particular matter on which I lobbied within the previous two years and prohibited from participating in the specific issue area in which that particular matter falls, unless I obtain a waiver pursuant to Section 3 of the Executive Order. I understand that this recusal lasts for two years from the date that I joined federal service. Within the previous two years, I lobbied Congress on the Renewable Fuel Standards program, including the renewable fuel percentage standards issued pursuant to Section 211(o) of the Clean Air Act, 42 U.S.C. § 7545(o). I was advised that I must recuse from this particular matter of general applicability and specific issue area, and I did so until the Counsel to the President granted me a limited waiver of the provisions of Paragraph 7 on August 25, 2017. I understand that I am now authorized to participate personally and substantially in matters regarding the Renewable Fuel Standards program.

#### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Attached is a list of cases I am recused from given my participation while at the API.

#### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above or matters identified in the Attachments, I will instruct David Fotouhi, Deputy General Counsel, and Rich Albores, Associate Deputy General Counsel, to assist in screening EPA



matters directed to my attention that involve those entities or sectors. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics. I will also instruct my principal subordinates that all inquiries and comments involving the matters on my recusal lists should be directed to Messrs. Fotouhi and Albores without my knowledge or involvement until after my recusal period ends.

If Mr. Fotouhi or Mr. Albores determines that a particular matter will directly involve the API, the George Washington University Law School Alumni Association, Alphabet Inc. (Google), or US Bancorp, then he will refer it for action or assignment to another, without my knowledge or involvement. If he identifies a particular matter of general applicability that is focused on the interests of any of the individual sectors on my recusal list, then he will refer it for action or assignment to another, without my knowledge or involvement. In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination.

#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

#### Attachments

cc: Elise Packard, Acting Principal Deputy General Counsel  
David Fotouhi, Deputy General Counsel  
Justin Schwab, Deputy General Counsel  
Richard L. Albores, Associate Deputy General Counsel  
OGC Associate General Counsels and Directors  
Justina Fugh, Senior Counsel for Ethics  
Regional Counsels

Erik Baptist  
 RECUSAL LIST – EXECUTIVE ORDER 13,770  
 In effect until June 18, 2019

FORMER EMPLOYER: American Petroleum Institute

CASE NAME:	CITATION:
Coffeyville Resources Refining & Marketing, LLC, <i>et al.</i> v. EPA	No. 17-1044 (D.C. Cir.)
State of New Jersey v. EPA	No. 08-1065 (D.C. Cir.)
American Petroleum Institute, <i>et al.</i> v. EPA	No. 11-1309 (D.C. Cir.)
Sierra Club, <i>et al.</i> v. EPA	No. 13-1262 (D.C. Cir.)
Powder River Basin Resource Council, <i>et al.</i> v. EPA <sup>1</sup>	No. 14-9530 (10th Cir.)
American Petroleum Institute v. EPA	No. 15-1197 (D.C. Cir.)
Murray Energy Corporation v. EPA	No. 15-1385 (D.C. Cir.)
Walter Coke, Inc., <i>et al.</i> v. EPA	No. 15-1166 (D.C. Cir.)
National Resource Defense Council, <i>et al.</i> v. EPA	No. 16-1413 (D.C. Cir.)
National Environmental Development Association's Clean Air Project v. EPA	No. 16-1344 (D.C. Cir.)
American Chemistry Council, <i>et al.</i> v. EPA	No. 17-1085 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 09-1038 (D.C. Cir.)
American Chemistry Council, <i>et al.</i> v. EPA	No. 17-1064 (D.C. Cir.)
Murray Energy, <i>et al.</i> v. EPA	No. 15-3751 (6th Cir.)
Sierra Club, <i>et al.</i> v. EPA	No. 03-1435 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 08-1124 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 08-1277 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 12-1405 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 13-1108 (D.C. Cir.)
American Fuel & Petrochemical, <i>et al.</i> v. EPA	No. 16-1033 (D.C. Cir.)
Air Alliance Houston, <i>et al.</i> v. EPA	No. 17-1155 (D.C. Cir.)

<sup>1</sup> API filed an amicus brief on behalf of EPA's decision to approve Wyoming's State Implementation Plan. Although API was not a party to the litigation itself, I will not participate in this case.



Erik Baptist RECUSAL LIST – ATTORNEY BAR OBLIGATIONS	
CASE NAME:	CITATION:
Coffeyville Resources Refining & Marketing, LLC, <i>et al.</i> v. EPA	No. 17-1044 (D.C. Cir.)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

June 9, 2017

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Nancy B. Beck, Ph.D., DABT  
Deputy Assistant Administrator

A handwritten signature in blue ink, reading "Nancy Beck", is positioned to the right of the "FROM:" line.

TO: Wendy Cleland-Hamnett  
Acting Assistant Administrator

Because I am in an Administratively Determined position, I have been advised by the Office of General Counsel/Ethics (OGC/Ethics) that I am not subject to Executive Order 13770 and therefore not required to sign the Trump ethics pledge. But as an executive branch employee, I have always understood that I am subject to the conflict of interest statutes codified at Title 18 of the United States Code and the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. Pursuant to the federal impartiality standards, I have understood that I have a "covered relationship" with my former employer, the American Chemistry Council (ACC), and have recused myself from participating personally and substantially in any particular matter involving specific parties in which ACC is a party or represents a party. I was advised by OGC/Ethics that my recusal period commenced the day that I left ACC and would remain in effect for one year unless I was authorized by the Office of General Counsel/Ethics (OGC/Ethics) to participate pursuant to 5 C.F.R. 2635.502(d).

I have sought and obtained confirmation from OGC/Ethics that I can participate in particular matters of general applicability, such as rulemaking, even if my former employer has an interest, and that I can participate personally and substantially in any discussions or consideration of comments that ACC submitted with regard to rulemaking or other matters of general applicability. *See* attached. I am also now authorized to attend meetings at which ACC is present or represented, provided that the subject matter of the meeting is a matter of general applicability, if other interested non-federal parties are present, and other EPA personnel attend. For the remainder of my cooling off period, until April 21, 2018, however, I understand that I cannot otherwise participate in any specific party matter involving ACC unless I first seek approval from OGC/Ethics.



I am issuing this recusal statement to ensure that our staff assist me by directing any ACC specific party matter to you instead of me, without my knowledge or involvement, until after April 21, 2018. In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests or in my personal or business relationships.

cc: OCSPP senior staff

Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region8

DEC 15 2017

Ref: 8RA

**MEMORANDUM**

**SUBJECT:** My Ethics Obligations - Recusal and Screening Arrangement

**FROM:** Douglas H. Benevento  
Regional Administrator

**TO:** E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and Region 8's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in particular matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse or any minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order and the Trump Ethics Pledge, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Xcel Energy**, is a party or represents a party, or that is directed at Xcel as a specifically identifiable party (e.g. sulfur dioxide National Ambient Air Quality Standard designations directed at Xcel owned power plants). I understand that my recusal from particular matters involving Xcel Energy as a specific party lasts until October 15, 2019, which is two years from the date that I



joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication with **Xcel Energy** relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties.

#### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

#### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to federal ethics impartiality rules at 5 C.F.R. § 2635.502, I understand that I have a “covered relationship” with my wife’s employer, Holland & Hart LLP. However, on December 11, 2017, EPA’s Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in particular matters in which Holland & Hart is a party or represents a party provided that my spouse is not herself involved. I understand that I must recuse myself from participation in EPA specific party matters if my wife works on those matters for Holland & Hart. (See attached Impartiality Determination).

#### *SCREENING ARRANGEMENT*

In order to help ensure that I do not participate in matters subject to my recusal obligations, I have taken or will take the following steps:

1. I will provide the Deputy Regional Administrator with a copy of this memorandum so that she may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I am recused, I am directing the Deputy Regional Administrator to seek the assistance of the Region 8 ethics team and/or OGC/Ethics if she is ever uncertain whether or not I may participate in a matter.
2. I will provide a copy of this memorandum to my principal subordinates, including the Region 8 Senior Leadership Team. I will also instruct my principal subordinates that all inquiries and comments involving matters that may be covered by my recusal obligations should be directed to the Deputy Regional Administrator for her review without my knowledge or involvement.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics or the Region 8 ethics team, I will revise and update my recusal memorandum whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you, the Chief of Staff, OGC/Ethics, ORC, the Deputy Regional Administrator, and to my principal subordinates.

Attachment

cc: Ryan Jackson, Chief of Staff  
Debra H. Thomas, Deputy Regional Administrator, Region 8  
Kevin Minoli, Acting General Counsel  
Suzanne J. Bohan, Assistant Regional Administrator, ECEJ, Region 8  
Richard D. Buhl, Assistant Regional Administrator, TMS, Region 8  
Carl Daly, Deputy Assistant Regional Administrator, OPRA, Region 8  
Bert Garcia, Deputy Assistant Regional Administrator, OWP, Region 8  
Martin Hestmark, Assistant Regional Administrator, OPRA, Region 8  
Patrice Kortuem, Deputy Assistant Regional Administrator, TMS, Region 8  
Paul Logan, Deputy Regional Counsel, Region 8  
Andrew Mutter, Director, OCPI, Region 8  
Darcy O'Connor, Assistant Regional Administrator, OWP, Region 8  
Kim Opekar, Deputy Assistant Regional Administration, ECEJ, Region 8  
Kenneth C. Schefski, Regional Counsel, Region 8  
Betsy Smidinger, Assistant Regional Administrator, EPR, Region 8  
Sandy Stavnes, Deputy Assistant Regional Administrator, EPR, Region 8  
Elyana Sutin, Deputy Regional Counsel, Region 8  
Patrick Davis, Senior Advisor for Public Engagement, Region 8  
Laura Flynn Jenkins, Chief of Staff, Region 8  
Justina Fugh, Senior Counsel for Ethics  
Michael Gleason, Regional Ethics Counsel, Region 8  
Diane Moon, Staff Assistant, Region 8





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

DEC 11 2017

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

**SUBJECT:** Impartiality Determination to Participate in Certain Matters Involving Holland & Hart LLP

**FROM:** Kevin S. Minoli *KSM*  
Designated Agency Ethics Official and  
Acting General Counsel

**TO:** Doug Benevento  
Regional Administrator  
Region 8

This memorandum addresses your ethics obligations with respect to Holland & Hart LLP (Holland & Hart), a law firm that practices environmental law and where your spouse is employed as an attorney. Because your spouse is not an equity sharing principal and does not receive any bonus based on the profitability of the firm, you do not have a financial conflict of interest with her employer, Holland & Hart. What remains is whether you may participate in particular matters in which your spouse's employer is a party or represents a party. As explained in more detail below, I am granting you a limited impartiality determination.

Pursuant to 5 C.F.R. § 2635.502(b)(1)(iii), you have a "covered relationship" with Holland & Hart given your spouse's employment. The applicable ethics rules are set forth in the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, specifically Subpart E, "Impartiality in Performing Official Duty." Absent an impartiality determination, you cannot participate in any specific party matter in which Holland & Hart is a party or represents a party if that matter is likely to have a direct and predictable effect upon the firm or if the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality. See 5 C.F.R. § 2635.502(a).

Federal ethics regulations permit federal employees to participate in matters that might raise impartiality concerns when the interest of the federal government in the employee's participation outweighs concern over the questioning of the "integrity of the agency's programs and operations." 5 C.F.R. § 2635.502(d). The factors that the Agency takes into consideration are:

- (1) the nature of the relationship involved;
- (2) the effect that resolution of the matter will have upon the financial interest of the person affected in the relationship;
- (3) the nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;
- (4) the sensitivity of the matter;
- (5) the difficulty of reassigning the matter to another employee; and
- (6) adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

Because I conclude that the interest of the United States Government in your participation outweighs any concerns about your impartiality, I am authorizing you to participate as Regional Administrator in particular matters that involve Holland & Hart with the following limitation, however unlikely: you must recuse yourself from participation in EPA specific party matters if your spouse participates in the same specific party matters. In making this determination, I have taken the following factors into consideration:

Nature of the relationship involved – Your spouse is employed part time as of counsel at Holland & Hart. Her areas of practice do not include environmental matters or involve the EPA. Thus, the intersection between your spouse's work and that of the Agency is extremely remote.

Effect of the matter upon your financial interest – Your spouse has no equity interest in the firm's revenues since she is not an equity sharing partner at the firm. Also, she does not receive any bonus from the firm. Due to this compensation arrangement with the firm, I conclude that there is no possibility that any of EPA's actions involving Holland & Hart will affect your own financial interests or those imputed to you under the financial and impartiality rules. See 18 U.S.C. § 208 and 5 C.F.R. § 2635.502.

Nature and importance of the employee's role – As Regional Administrator, you are the leader of your Region and part of the Agency's political team. You may be asked to participate in discussions and meetings related to particular matters that involve Holland & Hart.

Sensitivity of the matter – I understand that in Region 8 there are already a number of specific party matters where Holland & Hart provides legal representation. These matters will likely rise to your level of attention, merit your participation and raise nationally significant issues.

Difficulty of reassigning the matter to another employee – Your participation and input as Regional Administrator in such matters will be of importance to the Administrator, and therefore, in the Agency's interests. In these situations, it may not be appropriate to reassign the matter to another employee.



Under this limited authorization, you are authorized to participate in specific party matters that involve Holland & Hart, but not the same specific party matters which your spouse participates in while employed at the firm. If the Agency determines that we have a compelling reason for your participation as an EPA official on any specific party matter that your spouse participates in personally and substantially, then you or your Deputy Regional Administrator or Regional Counsel may ask OGC/Ethics to reconsider the factors and information listed above on a case-by-case basis along with additional relevant details before determining whether to authorize your participation. You must continue to recuse yourself from these matters unless EPA ethics officials determine that the Agency's interest in your participation outweighs any impartiality concern and authorizes you to participate.

While I have issued you this determination to interact with Holland & Hart on specific party matters, except for any specific party matter in which your spouse participates, please note that you may elect to voluntarily make adjustments to your duties and not participate in a particular matter that involves Holland & Hart. Nothing in this impartiality determination should preclude you from choosing to recuse yourself altogether from specific party matters in which Holland & Hart represents a party, but doing so is not necessary under the federal ethics rules.

If you have any questions regarding this determination, or if a situation arises in which you need advice or clarification, please contact Justina Fugh at [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or (202) 564-1786, or any member of your regional ethics team.

cc: Deb Thomas, Deputy Regional Administrator, Region 8  
Kenneth Schefski, Regional Counsel, Region 8  
Paul Logan, Deputy Regional Counsel, Region 8  
Elyana Sutin-McCeney, Deputy Regional Counsel, Region 8  
Michael Gleason, Regional Ethics Counsel, Region 8  
Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

NOV 01 2017

OFFICE OF  
PUBLIC ENGAGEMENT  
AND ENVIRONMENTAL EDUCATION

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Tate Bennett *Tate Bennett*  
Associate Administrator

TO: Ryan Jackson  
Chief of Staff

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and have been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am



prohibited from participating in any particular matter involving specific parties in which my former employer, **National Rural Electric Cooperative Association (NRECA)**, is a party or represents a party. I understand that my recusal lasts until March 19, 2019, which is two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

Pursuant to Section 1, Paragraph 7 of the Executive Order, since I was a registered lobbyist within the two years prior to joining federal service, I understand that I am also prohibited from participating in any particular matter on which I lobbied within the previous two years and prohibited from participating in the specific issue area in which that particular matter falls. I am advised by OGC/Ethics that the Executive Order defines “participate” to mean “participate personally and substantially”<sup>1</sup> and that the term “specific issue area” means a “particular matter of general applicability.”<sup>2</sup>

I have been informed by OGC/Ethics that my obligations under Paragraph 6 arise from the specific issues areas in which I lobbied. My primary responsibilities within my lobbying portfolio were with respect to appropriations funding for the following USDA programs: The Rural Energy Savings Program, The Rural Utility Service Electric Loan Program, the Guaranteed Underwriter Program, the Rural Economic Development Loan & Grant Program and title 6205 of H.R. 2642: The Agricultural Act of 2014.

In an abundance of caution, I have consulted the Designated Agency Ethics Official about the fact that while my primary responsibilities in the appropriations issues were for USDA funding, on occasion, policy riders related to EPA were involved. I was advised that my current role in the Office of Public Engagement and Environmental Education (OPEEE) does not require personal and substantial participation in appropriations or policy issues generally, so I may continue to carry out my assigned duties.

Additionally, within the previous two years, my Lobbying Disclosure Act reports indicate that I also engaged in lobbying activities on a variety of other authorizing issues that may appear to arise at EPA. Actually, I personally lobbied on these specific EPA-related authorizing issues only in my final months with my employer when I assumed additional responsibilities outside of appropriations issues (specifically for the Clean Power Plan, Ozone National Ambient Air Quality Standards and coal combustion residual issues). Upon joining EPA, I consulted with

<sup>1</sup> See Exec. Order 13770, Section 2(t), which states that “participate” means to participate personally and substantially.

<sup>2</sup> See Office of Government Ethics Legal Advisory LA-17-03 (March 20, 2017).



OGC/Ethics and was advised that my former duties in the Office of Congressional and Intergovernmental Relations (OCIR) did not involve direct participation in the strategy, development or implementation in any issue areas. OGC/Ethics therefore concluded that I would not be participating “personally and substantially”<sup>3</sup> in the same specific issue areas that I had previously lobbied. Given my new duties in OPEEE, OGC/Ethics has confirmed that I am still unlikely to be participating “personally and substantially” in the same specific issue areas that I had previously lobbied.

In both my previous and current positions at EPA, I have not and will not participate personally or substantially in the merits of any Clean Power Plan, Ozone National Ambient Air Quality Standards or coal combustion residuals discussions. I have been advised by OGC/Ethics that I can be involved in logistical matters such as setting up meetings at which parties discuss any issues, including those in which I had previously lobbied. I can also distribute information including content originating from other EPA offices including the Office of Public Affairs. Should an unexpected situation arise in which I am asked to participate in a more substantive role, I will first consult with OGC/Ethics for advice before taking any action.

#### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to NRECA, I will instruct Stephen Gordon, Deputy Director for Public Engagement, to assist in screening EPA matters directed to my attention that involve my former employer as a specific party. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics. I will also instruct my principal subordinates that all inquiries and comments involving the NRECA should be directed to Mr. Gordon without my knowledge or involvement until after my recusal period ends.

If Mr. Gordon determines that a particular matter will directly involve NRECA, then he will refer it for action or assignment to another, without my knowledge or involvement. In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination.

#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my

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<sup>3</sup> To participate “personally” means to participate directly, either individually or in combination with other persons, or through the direct and active supervision of any person an employee supervises. 5 C.F.R. § 2641.201(i)(2). To participate “substantially” means that the employee’s involvement is of significance to the matter, and includes decision-making, review or recommendation as to an action being taken, signing or approving a final document, and/or participating in a final decision briefing. “Participation in peripheral aspects of a matter or in aspects not directly involving the substantive merits of a matter (such as reviewing budgetary procedures or scheduling meetings) is not substantial.” 5 C.F.R. § 2641.201(i)(3).



personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and any principal subordinates.

cc: Nancy Grantham, Acting Associate Administrator for Public Affairs  
George Hull, Acting Deputy Associate Administrator for Public Affairs  
Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Byron Brown *BBB 9/26/17*  
Deputy Chief of Staff for Policy

TO: Ryan Jackson  
Chief of Staff

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. Thus far, I have followed the advice provided by OGC/Ethics and have not participated personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. This memorandum formally notifies you of my continuing obligations to recuse myself from these matters.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse, minor children, or any general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I confirm that I am recused from participating personally and substantially in any particular matter that would have a direct and predictable effect on my spouse's current employer, **Hess Corporation**. I will not participate personally and substantially in any particular matter that affects Hess Corporation as a specific party or as a member of an affected class, including any particular matter of general applicability that is focused on **oil and gas exploration and production** ("upstream issues") or **oil and gas processing and transportation** ("midstream issues"). I have been advised by OGC/Ethics that my recusal does not extend to "matters" that are not yet focused on these oil and gas sectors as a discrete and identifiable class of persons. Therefore, I understand that I am not recused from participating in broad policy deliberations and actions pertaining to diverse interests, such as the risk management plan rulemaking. I understand that my recusal lasts until my spouse is no longer employed with Hess Corporation.

Because I am in an Administratively Determined position, I have been advised by OGC/Ethics that I am not considered an appointee for the purposes of Executive Order 13770 and therefore not required to sign the Trump Ethics Pledge. But as an executive branch employee, I understand that I am subject to the federal impartiality standards and have a "covered relationship" with my spouse's employer, pursuant to 5 C.F.R. § 502(b)(1)(iii).

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. I will provide a copy of this memorandum to Justina Fugh, Senior Counsel for Ethics.

cc: Justina Fugh, Senior Counsel for Ethics






UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

SEP 15 2017

OFFICE OF  
THE ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Henry Darwin   
Assistant Deputy Administrator

TO: Ryan Jackson  
Chief of Staff

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I am precluded from participating personally and substantially in any determination, request or recommendation that specifically relates to or affects the salary or benefits of my spouse, Veronica Darwin. Therefore, pursuant to 18 U.S.C. § 208 and 5 C.F.R. § 2635.502, I am recusing myself from participating in any award, promotion or any other personnel or administrative matter that



involves my spouse as a specific party.

#### *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to my former employer, the State of Arizona. The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me. The definition of "former employer" in the Executive Order excludes state government.<sup>1</sup> Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

#### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to federal ethics rules, I understand that I have a one-year cooling off period with my former employer. For one year after my resignation from the State of Arizona, I will not participate personally and substantially in any particular matter involving specific parties in which the State of Arizona is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). I understand that my recusal lasts until July 4, 2018 and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. During my recusal period, any questions about my ability to participate in specific party matters involving the State of Arizona should be directed to OGC/Ethics without my participation or knowledge.

#### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Justina Fugh, Senior Counsel for Ethics

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<sup>1</sup> See Exec. Order 13,770, Section 2(j), which provides that "'former employer' does not include ... State government."



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

**MEMORANDUM**

**SUBJECT:** Recusal Statement

**FROM:** Veronica Darwin  
Senior Advisor *Veronica Darwin*  
*9/13/17*

**TO:** Barry N. Breen  
Acting Assistant Administrator  
Office of Land and Emergency Management

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to my former employer, the State of Arizona. The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions

contained in the Executive Order regarding former employer do not apply to me. The definition of "former employer" in the Executive Order excludes state government<sup>1</sup>. Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

#### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to federal ethics rules, I understand that I have a one-year cooling off period with my former employer. For one year after my resignation from the State of Arizona, I will not participate personally and substantially in any particular matter involving specific parties in which the State of Arizona is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). I understand that my recusal lasts until June 30, 2018, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. During my recusal period, any questions about my ability to participate in specific party matters involving the State of Arizona should be directed to OGC/Ethics without my participation or knowledge.

#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Patrick Davis, Deputy Assistant Administrator for OLEM  
Justina Fugh, Senior Counsel for Ethics

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<sup>1</sup> See Exec. Order 13,770, Section 2(j), which provides that "'former employer' does not include ... State government."





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Nicholas Falvo  
Special Assistant  
Office of the Administrator

TO: Albert Kelly  
Senior Advisor to the Administrator

OFFICE OF THE  
ADMINISTRATOR

A handwritten signature in blue ink, appearing to be "N. Falvo", is written over the "FROM:" field. Below the signature, the date "2-7-18" is handwritten in blue ink.

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **Akerman LLP** and **Career Education Colleges and Universities**, or any former client to whom I provided legal services during the past two years is a party or represents a party. My former clients include **the American Association of Cosmetology Schools, the Chabot Space and Science Center, the Consortium of Regional Climate Centers, and the Peralta Community College District**. I understand that my recusal lasts until May 7, 2019, which is two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

Pursuant to Section 1, Paragraph 7 of the Executive Order, since I was a registered lobbyist within the two years prior to joining federal service, I understand that I am also prohibited from participating in any particular matter on which I lobbied within the previous two years and prohibited from participating in the specific issue area in which that particular matter falls. I am advised by OGC/Ethics that the Executive Order defines “participate” to mean “participate personally and substantially”<sup>1</sup> and that the term “specific issue area” means a “particular matter of general applicability.”<sup>2</sup>

Within the previous two years, I lobbied on nuclear energy related to the Yucca Mountain project and higher education. While I may be listed as having lobbied on other issues, these are the only two issues on which I personally lobbied. I consulted with OGC/Ethics and advised them that my current duties in the Office of the Administrator do not involve my participation in the strategy, development or implementation in either of these specific issue areas. OGC/Ethics therefore concludes that, given my current duties, it is unlikely that I will be participating at a level deemed to be “personally and substantially”<sup>3</sup> in these specific issue areas. However, if my EPA duties or involvement with these matters change, I will recuse myself to ensure that I meet the obligations of the Trump Ethics Pledge.

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<sup>1</sup> See Exec. Order 13770, Section 2(t), which states that “participate” means to participate personally and substantially.

<sup>2</sup> See Office of Government Ethics Legal Advisory LA-17-03 (March 20, 2017).

<sup>3</sup> To participate “personally” means to participate directly, either individually or in combination with other persons, or through the direct and active supervision of any person an employee supervises. 5 C.F.R. § 2641.201(i)(2). To participate “substantially” means that the employee’s involvement is of significance to the matter, and includes decision-making, review or recommendation as to an action being taken, signing or approving a final document, and/or participating in a final decision briefing. “Participation in peripheral aspects of a matter or in aspects not directly involving the substantive merits of a matter (such as reviewing budgetary procedures or scheduling meetings) is not substantial.” 5 C.F.R. § 2641.201(i)(3).



*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 20 2017

OFFICE OF WATER

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Dennis Lee Forsgren, Jr.  
Deputy Assistant Administrator

TO: Michael H. Shapiro  
Acting Assistant Administrator

A handwritten signature in black ink, reading "D. Lee Forsgren", is positioned to the right of the "FROM:" field.

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. Although OGC/Ethics advises that conflicts are unlikely to arise, I understand that I am recused from participating personally and substantially in any particular matter that affects **Anthem Health** as a specific party because of my current level of financial ownership.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my

former employer, **HBW Resources**, or any former client to whom I provided legal or lobbying services during the past two years is a party or represents a party. I understand that my recusal lasts until June 18, 2019, which is two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

Pursuant to Section 1, Paragraph 7 of the Executive Order, since I was a registered lobbyist during the past two years, I understand that I am also prohibited from participating in any particular matter on which I lobbied within the previous two years and prohibited from participating in the specific issue area in which that particular matter falls, unless I obtain a waiver pursuant to Section 3 of the Executive Order. I understand that this recusal lasts for two years from the date that I joined federal service.

Within the previous two years, I personally lobbied on behalf of the Miccosukee Tribe of Indians of Florida on water issues. In an abundance of caution to ensure that I meet my obligations under the Trump Ethics Pledge, I had decided to recuse myself from all **water quality issues related to South Florida** until June 18, 2019. However, due to the potential threat posed by Hurricane Irma to the Miccosukee Reservation and surrounding areas, on September 9, 2017, the EPA requested a limited waiver of the provisions of Paragraph 7. On October 2, 2017, the Counsel to the President granted this limited waiver which authorized me to participate personally and substantially in matters that arise as part of EPA’s response to Hurricane Irma with respect to the Miccosukee Tribe or the Miccosukee Indian Reservation. But since the Hurricane did not impact the Miccosukee Reservation and surrounding areas, this limited waiver was ultimately not necessary and I understand that I’m still recused from all water quality issues related to South Florida.

RECUSAL LIST In effect until June 18, 2019	
FORMER EMPLOYER:	HBW Resources
FORMER LOBBYING:	Water Quality Issues Related to South Florida, except to the extent authorized under a limited waiver for matters that arise as part of EPA’s response to Hurricane Irma with respect to the Miccosukee Tribe or the Miccosukee Indian Reservation



FORMER CLIENTS:	BWX Technologies, Inc. (BWXT) Plaintiff's Group – Deepwater Horizon spill litigation Virginia Hospital and Healthcare Association Transas USA Inc.
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#### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

I am advised by OGC/Ethics that Executive Order 13770 defines “former employer” to exclude any Native American tribe,<sup>1</sup> and the Office of Government Ethics has determined that the same exclusion applies to the definition of “former client.”<sup>2</sup> But as an executive branch employee, I understand that I am also subject to the federal impartiality standards and have a one-year cooling off period with any former client that is a Native American tribe. Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which the Miccosukee Tribe of Indians of Florida is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). For federal ethics purposes, I understand that my recusal remains in effect for one year from the date that I last provided services to that client, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking.

#### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

#### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities or lobbying issue area listed above, I will instruct Louise Kitamura, OW/OAA Assistant Deputy Ethics Official, to assist in screening EPA matters directed to my attention that involve my former employer or my former clients as a specific party or the particular matter/specific issue area on which I previously lobbied. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics. I will also instruct my principal subordinates that all inquiries and comments involving the entities or lobbying issue

<sup>1</sup> See Exec. Order 13,770, Section 2(j), which provides that “‘former employer’ does not include any... Native American tribe.”

<sup>2</sup> See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, “[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE’s prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders,” and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that “based on discussions with the White House Counsel’s office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer.”

area on my recusal list should be directed to Louise Kitamura without my knowledge or involvement until after my recusal period ends.

If Louis Kitamura determines that a particular matter will directly involve any of the entities listed on my "specific party" recusal list or water quality issues in South Florida that are not already addressed by the limited waiver, then s/he will refer it for action or assignment to another, without my knowledge or involvement. In the event that s/he is unsure whether an issue is a particular matter from which I am recused, then s/he will consult with OGC/Ethics for a determination.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and any principal subordinates.

cc: Justina Fugh, Senior Counsel for Ethics





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: David Fotouhi  
Deputy General Counsel

*DD FKH* 07/31/17

TO: Kevin S. Minoli  
Acting General Counsel  
Designated Agency Ethics Official

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

### *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, Gibson, Dunn & Crutcher LLP, or any former client to whom I provided legal services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

RECUSAL LIST	
In effect until March 26, 2019	
FORMER EMPLOYER: Gibson, Dunn & Crutcher LLP	
FORMER CLIENTS:	
Association of American Railroads Carnival Corporation (Princess Cruises) CEMEX CSX Corporation Daimler AG Electric Boat Corporation General Electric Company International Paper Company	Lockheed Martin Corporation Ligado Networks (formerly LightSquared) Matson Navigation Maxus Energy Corporation Taylor Fresh Foods, Inc. Tesoro Corporation Trout Unlimited WestRock Company

### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I have asked Justin Schwab, Deputy General Counsel, and Richard Albores, Associate Deputy General Counsel, to assist in screening EPA matters directed to my attention that involve

my former employer or my former clients as a specific party. All inquiries and comments involving the entities on my recusal list should be directed to Justin and Rich without my knowledge or involvement until after my recusal period ends. If Justin or Rich determine that a particular matter will directly involve any of the companies on my "specific party" recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will distribute a copy of this memorandum within OGC with a copy to Justina Fugh, Senior Counsel for Ethics.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to OGC.

cc: Elise Packard, Acting Principal Deputy General Counsel  
Erik Baptist, Senior Deputy General Counsel  
Justin Schwab, Deputy General Counsel  
Richard L. Albores, Associate Deputy General Counsel  
OGC Associate General Counsels and Directors  
Justina Fugh, Senior Counsel for Ethics  
Regional Counsels




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 10, 2018

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Onis "Trey" Glenn, III   
Regional Administrator  
Region 4

TO: E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.



## *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **Blue Ridge Consulting, Inc.** and **STRADA Professional Services, LLC**, or any former client to whom I provided services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

RECUSAL LIST In effect until August 27, 2019	
FORMER EMPLOYERS: Blue Ridge Consulting, Inc. STRADA Professional Services, LLC	
FORMER CLIENTS:  Balch & Bingham, LLP Big Sky Environmental Black Mesa Energy Blue Ridge Partners, LLC Business Council of Alabama Conservatives with Courage Drummond Company	  MAP Development, LLC Matrix, LLC Maynard, Cooper & Gale, PC Regional Environmental Solutions STRADA-AECOM Joint Venture Stream Restoration Services Windom-Galliher

## *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

I am advised by OGC/Ethics that Executive Order 13770 defines “former employer” to exclude state or local government entities,<sup>1</sup> and the Office of Government Ethics has determined that the same exclusion applies to the definition of “former client.”<sup>2</sup> But as an executive branch

<sup>1</sup> See Exec. Order 13770, Section 2(j), which provides that “‘former employer’ does not include ... State or local government.”

<sup>2</sup> See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, “[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE’s prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders,” and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that “based on discussions with the White House Counsel’s office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer.”

employee, I understand that I am also subject to the federal impartiality standards and have a one-year cooling off period with any former client who is a state or local government. Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which **the Birmingham Jefferson County Transit Authority (BJCTA)** or **the City of Birmingham, Alabama** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). For federal ethics purposes, I understand that my recusal remains in effect for one year from the date that I last provided services to that client, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. My recusal will end with regard to the city of Birmingham and BJCTA on March 8, 2018 and August 29, 2018 respectively. I will consult with OGC/Ethics should a situation arise in which I seek an impartiality determination to authorize my participation in a specific party matter involving the Birmingham Jefferson County Transit Authority or the City of Birmingham.

#### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Blake Ashbee, Region 4 Chief of Staff, to assist in screening EPA matters directed to my attention that involve these entities. All inquiries and comments involving the entities on my recusal list should be directed to Blake Ashbee without my knowledge or involvement until after my recusal period ends.

If Blake Ashbee determines that a particular matter will directly involve any of the entities listed on my "specific party" recusal list, then he/she will refer it for action or assignment to another, without my knowledge or involvement. In the event that he/she is unsure whether an issue is a particular matter from which I am recused, then he/she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC, including OGC/Ethics.

cc: Ryan Jackson, Chief of Staff  
V. Anne Heard, Deputy Regional Administrator, Region 4  
Blake Ashbee, Chief of Staff, Region 4  
Suzanne Rubini, Acting Regional Counsel, Region 4  
Leif Palmer, Acting Deputy Regional Counsel, Region 4  
John Sheesly, Regional Ethics Counsel, Region 4  
Justina Fugh, Senior Counsel for Ethics



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

OFFICE OF  
THE ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Sarah Greenwalt *Sarah Greenwalt* 11/8/17  
Senior Advisor for Water and Cross-Cutting Initiatives

TO: Ryan Jackson  
Chief of Staff

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.



## *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to my former employer and my former client, the State of Oklahoma. The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer and former client do not apply to me. The definition of “former employer” in the Executive Order excludes state government,<sup>1</sup> and the Office of Government Ethics has determined that this same exclusion applies to the definition of “former client.”<sup>2</sup> Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers or former clients.

## *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to federal ethics rules, I understand that I have a one-year cooling off period with my former employer and former client. For one year after my resignation from the Office of the Oklahoma Attorney General, I will not participate personally and substantially in any particular matter involving specific parties in which the State of Oklahoma is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). I understand that my recusal lasts until March 2, 2018, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking.

## *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

## *RECUSAL LIST*

While at the EPA, I will not participate in any active cases in which Oklahoma is a party, petitioner or intervenor, which includes the following:

Case Name	Citation
American Petroleum Institute, <i>et al.</i> v. EPA	No. 13-1108 (D.C. Cir.)
Clean Air Council <i>et al.</i> v. E. Pruitt	No. 17-1145 (D.C. Cir.)

<sup>1</sup> See Exec. Order 13,770, Section 2(j), which provides that “‘former employer’ does not include ... State government.”

<sup>2</sup> See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, “[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE’s prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders,” and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that “based on discussions with the White House Counsel’s office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer.”

Florida <i>et al.</i> v. EPA	No. 15-1267 (D.C. Cir.)
Murray Energy, <i>et al.</i> v. EPA	No. 15-3751 (6 <sup>th</sup> Cir.)
Murray Energy, <i>et al.</i> v. EPA	No. 15-1385 (D.C. Cir.) (consolidated with 15-1392, 15-1490, 15-1491 & 15-1494)
Murray Energy Corp. v. EPA	No. 16-1127 (D.C. Cir.)
Oklahoma <i>ex rel.</i> Pruitt v. EPA	No. 15-cv-00381 (10 <sup>th</sup> Cir.)
National Association of Manufacturers, <i>petitioner</i> , v. U.S. Department of Defense, <i>respondent</i>	No. 16-299 (S. Ct.)
Oklahoma <i>ex rel.</i> Pruitt v. EPA appeal pending <i>sub nom.</i> State of Oklahoma <i>ex rel.</i> Hunter, No. 16-5039 (10 <sup>th</sup> Cir.)	No. 4:15-cv-381 (N.D. Okla.)
Public Service Company of Oklahoma, d.b.a. AEP v. EPA	No. 12-1023 (D.C. Cir.)
<i>In Re</i> Volkswagen “Clean Diesel” Marketing, Sales, Practices, And Products Liability Litigation (extends to criminal case too)	No. 2672 MDL CRB (JSC) (N.D. Cal.) Criminal case: E.D. Michigan
State of North Dakota v. EPA	No. 15-1381 (D.C. Cir.) (joined with No. 15-1399, then consolidated with No. 15-1381)
State of West Virginia, <i>et al.</i> v. EPA	No. 15-1363 (D.C. Cir.)
Walter Coke Inc. v. EPA	No. 15-1166 (D.C. Cir.)
Wildearth Guardians v. EPA	No. 13-cv-02748 (D.C. Colo.)

I understand that this commitment is longer than is required by federal impartiality standards, but I am taking this action to avoid the appearance of any impropriety under federal ethics or professional responsibility obligations.

With respect to cases involving EPA in which Oklahoma joined other states in filing an amicus brief, I understand that Oklahoma was not a party to the litigation itself. The Designated Agency Ethics Official (DAEO) was informed that Oklahoma itself neither authored the amici briefs nor otherwise participated in the litigation in any way. Most of those cases are resolved, except for *Building Industry Association of the Bay Area, et al. v. Department of Commerce, et al.* (the U.S. Supreme Court denied *certiorari*); *Sierra Club et al., plaintiffs-appellees v. Regina McCarthy in her capacity as Administrator of the United States Environmental Protection Agency, defendants-appellees*; *State of Arizona et al., intervenor-plaintiff-appellants*, No. 15-15894 (9<sup>th</sup> Cir.), on appeal from N.D. Cal., No. 13-cv-03953-SI (this case is fully argued and briefed is awaiting decision only); and *Wyoming v. EPA*, Nos. 14-9512 and 14-9514 (10<sup>th</sup> Cir.) (the standard of review argument advanced in the amicus brief that Oklahoma joined was uncontested on review).

Thus far, I have not participated in any of the cases listed in this recusal statement and will continue to recuse for now. In the event that I wish to participate, I will seek an ethics determination from the DAEO, who will apply the federal impartiality standard set forth at 5 C.F.R. § 2635.502. I understand that my professional responsibility obligations may impose consent requirements in order to participate. I will provide notification of such consent, if sought and obtained, to EPA’s ethics officials.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties.

cc: Kevin S. Minoli, Designated Agency Ethics Official  
Justina Fugh, Senior Counsel for Ethics





# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KS 66219

FEB 05 2018

OFFICE OF  
THE REGIONAL ADMINISTRATOR

## MEMORANDUM

SUBJECT: Recusal Statement

FROM: James B. Gulliford

TO: E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and the Region's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

### *FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that, apart from my spouse's employment, I do not currently have any financial conflicts of interest. I am recused from participating personally and substantially in any particular matter that would have a direct and predictable effect on my spouse's current employer, Liberty Public Schools. I will not participate personally and substantially in any particular matter that affects Liberty Public Schools as a specific party or as a member of an affected class.

### *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, the **Soil and Water Conservation Society** and **Agriculture and Conservation Services, LLC**, is a party or



represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics or the Region’s ethics team, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and my principal subordinates.

cc: Karen Flournoy, Acting Deputy Regional Administrator, Region 7  
David Cozad, Regional Counsel, Region 7  
Karina Borromeo, Regional Ethics Counsel, Region 7  
Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
AIR AND RADIATION

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: David S. Harlow  
Senior Counsel

TO: William L. Wehrum  
Assistant Administrator

DATE: December 28, 2017

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am



prohibited from participating in any particular matter involving specific parties in which my former employer, **Hunton & Williams LLP**, or any former client to whom I provided legal services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties. Set forth below are my former clients identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA.<sup>1</sup>

RECUSAL LIST In effect until October 1, 2019	
FORMER EMPLOYER: Hunton & Williams LLP	
FORMER CLIENTS: <sup>2</sup>  Agrium Inc.; Nu-West Industries, Inc. Chevron Corporation DTE Energy Company LG&E and KU Energy, LLC	National Stone, Sand and Gravel Association Sunflower Electric Power Corporation, Inc. Utility Air Regulatory Group

#### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Attached is a list of cases I am recused from given my participation at Hunton & Williams LLP.

#### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Josh Lewis, Chief of Staff, and Mandy Gunasekara, Principal Deputy

<sup>1</sup> For my former clients who are not listed, I understand that I am personally obliged not to participate in specific party matters for the duration of my ethics obligations.

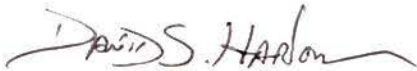
<sup>2</sup> One confidential client is not listed. This client has a written confidentiality agreement expressly prohibiting disclosure.

Assistant Administrator, to assist in screening EPA matters directed to my attention that involve these entities. All inquiries and comments involving the entities on my recusal list should be directed to Josh and Mandy without my knowledge or involvement until after my recusal period ends.

If Josh or Mandy determine that a particular matter will directly involve any of the entities listed on my "specific party" recusal list, then he/she will refer it for action or assignment to another, without my knowledge or involvement. In the event that he/she is unsure whether an issue is a particular matter from which I am recused, then he/she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

A handwritten signature in black ink, appearing to read "David S. Harlow", with a stylized flourish at the end.

David S. Harlow  
Senior Counsel

cc: Elizabeth Shaw, Deputy Assistant Administrator  
Justina Fugh, Senior Counsel for Ethics

David S. Harlow  
RECUSAL LIST – ATTORNEY BAR OBLIGATIONS

CASE NAME:	CITATION:
Utility Air Regulatory Group v. EPA	No. 12-1166 (D.C. Cir.) (consolidated with No. 12-1100)
American Petroleum Institute v. EPA	No. 13-1063 (D.C. Cir.) (consolidated with No. 11-1309)
Utility Air Regulatory Group v. EPA	No. 15-1370 (D.C. Cir.) (consolidated with No. 15-1363)
LG&E and KU Energy v. EPA	No. 15-1418 (D.C. Cir.)
Utility Air Regulatory Group v. EPA	No. 17-1018 (D.C. Cir.) (consolidated with No. 17-1015)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

FEB - 1 2018

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Matthew Z. Leopold  
General Counsel

A handwritten signature in blue ink, appearing to read "M3f", is written over the name "Matthew Z. Leopold".

TO: E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my

former employer, **Carlton Fields Jorden Burt, P.A.**, or any former client to whom I provided legal services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties. Set forth below are my former clients identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA.<sup>1</sup>

<b>RECUSAL LIST</b> <b>In effect until January 7, 2020</b>	
<b>FORMER EMPLOYER: Carlton Fields Jorden Burt, P.A.</b>	
<b>FORMER CLIENTS:</b>  25 Countryside West, LLC AEW Capital Management, LP AIG Environment Amherst Consulting Company, LLC Anderson Columbia Co., Inc. Arcadis US, Inc AT&T BASF Corporation Blackwater Resources, LLC Bluefield Ranch Mitigation Bank, LLC Burnett Oil Co., Inc. Collier Resources Company LLP Comanco Environmental Corporation East Bay Farms, LLC Edgar Minerals, Inc. Evergreen Communities, Inc. Ford Motor Company Foundation for Better Environmental Stewardship FPL Group, Inc.	The Geo Group, Inc. Girl Scouts of West Central Florida, Inc. Hendry Energy Services, LLC Howard Group Development Company Laurus Corp. Leisure Resorts, LLC Mosaic Fertilizer, LLC Neology, Inc. Norstar Development USA, L.P. PRH Investments, LLC The Republican National Committee Resource Environmental Solutions, LLC Sharfi, Benjamin K. Siemens Corporation Tucker, Leslie Hollis The Villages of Lake-Sumter, Inc. WCI Communities, LLC WRS, Inc

After consulting with OGC/Ethics, I am advised that I do not need to recuse myself from matters involving NextEra Energy, the parent company of one of my former clients, because I

<sup>1</sup> For my former clients who are not listed, I understand that I am personally obliged not to participate in specific party matters for the duration of my ethics obligations.



did not personally provide legal services to this entity. However, in an abundance of caution, I am voluntarily recusing myself from matters involving **NextEra Energy** at this time.

#### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

I am advised by OGC/Ethics that Executive Order 13770 defines “former employer” to exclude state or local government entities,<sup>2</sup> and the Office of Government Ethics has determined that the same exclusion applies to the definition of “former client.”<sup>3</sup> But as an executive branch employee, I understand that I am also subject to the federal impartiality standards and have a one-year cooling off period with any former client who is a state or local government.

Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which **Okaloosa County, Florida** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). For federal ethics purposes, I understand that my recusal remains in effect for one year from the date that I last provided services to that client, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. My recusal will end with regard to Okaloosa County, Florida on December 31, 2018. I will consult with OGC/Ethics should a situation arise in which I seek an impartiality determination to authorize my participation in a specific party matter involving Okaloosa County.

Pursuant to the federal impartiality standards, I also understand that I have a “covered relationship” with another former client, the Florida Department of Environmental Protection (FL DEP). However, on January 10, 2018, EPA’s Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Florida, but not on the very same specific party matters on which I worked on personally and substantially while providing legal services to the FL DEP or employed by the State of Florida.

#### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Thus, I will not participate in the following two cases:

---

<sup>2</sup> See Exec. Order 13770, Section 2(j), which provides that “‘former employer’ does not include ... State or local government.”

<sup>3</sup> See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, “[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE’s prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders,” and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that “based on discussions with the White House Counsel’s office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer.”



CASE NAME:	CITATION:
United States, <i>et al.</i> v. South Florida Water District Management, <i>et al.</i>	No. 1.88-cv-1886 (S.D. Fla)
BASF Corporation v. State of Florida, Department of Environmental Protection	Case No. 17-003684RP; Rule No. 62-304.305, F.A.C.

### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Kevin Minoli, Principal Deputy General Counsel, to assist in screening EPA matters directed to my attention that involve those entities. All inquiries and comments involving the entities on my recusal list should be directed to Mr. Minoli without my knowledge or involvement until after my recusal period ends.

If Mr. Minoli determines that a particular matter will directly involve any of the entities or matters listed on my "specific party" recusal list, then he will refer it for action or assignment to another, without my knowledge or involvement. In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff  
Kevin Minoli, Principal Deputy General Counsel  
Erik Baptist, Senior Deputy General Counsel  
David Fotouhi, Deputy General Counsel  
Justin Schwab, Deputy General Counsel  
Marcella Burke, Deputy General Counsel  
Richard L. Albores, Associate Deputy General Counsel  
Justina Fugh, Senior Counsel for Ethics  
OGC Associate General Counsels and Directors  
Regional Counsels



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CONGRESSIONAL AND  
INTERGOVERNMENTAL  
RELATIONS

DEC 12 2017

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Troy Lyons  
Associate Administrator

A handwritten signature in black ink, appearing to read "Troy Lyons", is written over the printed name and title of the sender.

TO: Ryan Jackson  
Chief of Staff

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **Hess Corporation** and **BP America**, is a party or represents a party. I understand that my recusal lasts until April 2, 2019, which is two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

Pursuant to Section 1, Paragraph 7 of the Executive Order, since I was a registered lobbyist within the two years prior to joining federal service, I understand that I am also prohibited from participating in any particular matter on which I lobbied within the previous two years and prohibited from participating in the specific issue area in which that particular matter falls. I am advised by OGC/Ethics that the Executive Order defines “participate” to mean “participate personally and substantially”<sup>1</sup> and that the term “specific issue area” means a “particular matter of general applicability.”<sup>2</sup>

Within the previous two years, I lobbied Congress on the Renewable Fuel Standards program, crude oil exports, offshore air emissions, and methane emissions. While my Lobbying Disclosure Act reports indicate that I also engaged in other lobbying activities, these are the only issues on which I personally lobbied that may arise at EPA. Upon joining EPA, I consulted with OGC/Ethics and was advised them that my current duties in the Office of Congressional and Intergovernmental Relations do not involve my participation in the strategy, development or implementation in any of these specific issue areas. OGC/Ethics therefore concludes that, given my duties, it is unlikely that I will be participating at a level deemed to be “personally and substantially”<sup>3</sup> in these specific issue areas. However, if my EPA duties or involvement with these matters change to a more substantive role, I will consult with OGC/Ethics before taking any action.

## *SCREENING ARRANGEMENT*

<sup>1</sup> See Exec. Order 13770, Section 2(t), which states that “participate” means to participate personally and substantially.

<sup>2</sup> See Office of Government Ethics Legal Advisory LA-17-03 (March 20, 2017).

<sup>3</sup> To participate “personally” means to participate directly, either individually or in combination with other persons, or through the direct and active supervision of any person an employee supervises. 5 C.F.R. § 2641.201(i)(2). To participate “substantially” means that the employee’s involvement is of significance to the matter, and includes decision-making, review or recommendation as to an action being taken, signing or approving a final document, and/or participating in a final decision briefing. “Participation in peripheral aspects of a matter or in aspects not directly involving the substantive merits of a matter (such as reviewing budgetary procedures or scheduling meetings) is not substantial.” 5 C.F.R. § 2641.201(i)(3).



In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Robin Richardson, Principle Deputy Associate Administrator for the Office of Congressional and Intergovernmental Relations, to assist in screening EPA matters directed to my attention that involve the Hess Corporation or BP America. All inquiries and comments involving the Hess Corporation or BP America should be directed to Robin Richardson without my knowledge or involvement until after my recusal period ends.

If Robin Richardson determines that a particular matter will directly involve the Hess Corporation or BP America, then s/he will refer it for action or assignment to another, without my knowledge or involvement. In the event that s/he is unsure whether an issue is a particular matter from which I am recused, then s/he will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and any principal subordinates.

cc: Robin H. Richardson, Principal Deputy Associate Administrator  
Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

MAY - 4 2017

THE ADMINISTRATOR

**MEMORANDUM**

**SUBJECT:** My Ethics Obligations

**FROM:** E. Scott Pruitt  
Administrator

**TO:** Acting Assistant Administrators  
Acting General Counsel  
Inspector General  
Acting Regional Administrators

This memorandum provides you with written notification regarding my ethics obligations. I have conferred with the Office of General Counsel's Ethics Office (OGC/Ethics) and understand that I must recuse myself from matters in which I have a financial interest, or a personal or business relationship. I also understand that I have certain obligations to my state bar and also under the President's Ethics Pledge that I have signed. This recusal statement addresses all of my ethics obligations.

*Obligations Under the President's Ethics Pledge*

I understand that I have ethics obligations with respect to my former employer and my former client, the State of Oklahoma. The President's Ethics Pledge provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the pledge that regard former employer and former client do not apply to me. The Executive Order defines "former employer" to exclude state government,<sup>1</sup> and the Office of Government Ethics has determined that this same exclusion applies to the definition of "former client."<sup>2</sup> Therefore, OGC/Ethics has confirmed that I am not subject to the additional pledge restrictions regarding former employers or former clients.

*Ethics Obligations Under the Impartiality Provisions*

Pursuant to federal ethics rules, I understand that I have a one-year cooling off period with my former employer and former client. I also understand that I have a "covered relationship" with certain

<sup>1</sup> See Exec. Order 13,770, Section 2(j), which provides that "former employer" does not include ... State government."

<sup>2</sup> See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, "[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE's prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders," and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that "based on discussions with the White House Counsel's office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer."

organizations in which I was active during the past year. For one year after my resignation as Attorney General, and one year from my resignation from the entities specified below, I will not participate personally and substantially in any particular matter involving specific parties in which any of the following entities is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). This federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking.

Name of Entity	Date when recusal from specific party matters ends under Federal Ethics Obligations
State of Oklahoma	February 18, 2018
Southern Baptist Theological Seminary	February 18, 2018
Windows Ministry Incorporated	February 18, 2018
Rule of Law Defense Fund	December 9, 2017

### *Commitment to My Ethical Responsibilities*

To demonstrate my profound commitment to carrying out my ethical responsibilities, while I am the Administrator of the United States Environmental Protection Agency, I will not participate in any active cases in which Oklahoma is a party, petitioner or intervenor, including the following:

Case Name	Citation
American Petroleum Institute, et al. v. EPA	No. 13-1108 (D.C. Cir.)
Florida <i>et al.</i> v. EPA	No. 15-1267 (D.C. Cir.)
Murray Energy, <i>et al.</i> v. EPA	No. 15-3751 (6 <sup>th</sup> Cir.)
Murray Energy, <i>et al.</i> v. EPA	No. 15-1385 (D.C. Cir.) (consolidated with 15-1392, 15-1490, 15-1491 & 15-1494)
Murray Energy Corp. v. EPA	No. 16-1127 (D.C. Cir.)
Oklahoma <i>ex rel.</i> Pruitt v. EPA	No. 15-cv-00381 (10 <sup>th</sup> Cir.)
National Association of Manufacturers, <i>petitioner</i> , v. U.S. Department of Defense, <i>respondent</i> <sup>3</sup>	No. 16-299 (S. Ct.)
Oklahoma <i>ex rel.</i> Pruitt v. EPA appeal pending <i>sub nom.</i> State of Oklahoma <i>ex rel.</i> Hunter, No. 16-5039 (10 <sup>th</sup> Cir.)	No. 4:15-cv-381 (N.D. Okla.)
<i>In Re</i> Volkswagen “Clean Diesel” Marketing, Sales, Practices, And Products Liability Litigation (extends to criminal case too)	No. 2672 MDL CRB (JSC) (N.D. Cal.) Criminal case: E.D. Michigan
State of North Dakota v. EPA	No. 15-1381 (D.C. Cir.) (joined with No. 15-1399, then consolidated with No. 15-1381)
State of West Virginia, <i>et al.</i> v. EPA	No. 15-1363 (D.C. Cir.)
Walter Coke Inc. v. EPA	No. 15-1166 (D.C. Cir.)
Wildearth Guardians v. EPA	No. 13-cv-02748 (D.C. Colo.)

<sup>3</sup> EPA Ethics updated this chart on 5-17-17 to include this case, which was inadvertently omitted. It had erroneously included with the amicus filings on page 3. EPA Ethics notes that the Administrator has not and will not participate in this case.



I understand that this commitment is longer than is required by the federal impartiality standards, but I am taking this action to avoid even the appearance of any impropriety under federal ethics or professional responsibility obligations.

With respect to cases involving EPA in which Oklahoma joined other states in filing an amicus brief, I understand that Oklahoma was not a party to the litigation itself. I have informed the Designated Agency Ethics Official (DAEO) that Oklahoma itself neither authored the amici briefs nor otherwise participated in the litigation in any way. Most of those cases are resolved, except for *Building Industry Association of the Bay Area, et al. v. Department of Commerce, et al.* (the U.S. Supreme Court denied *certiorari*); *Sierra Club et al., plaintiffs-appellees v. Regina McCarthy in her capacity as Administrator of the United States Environmental Protection Agency, defendants-appellees; State of Arizona et al., intervenor-plaintiff-appellants*, No. 15-15894 (9<sup>th</sup> Cir.), on appeal from N.D. Cal., No. 13-cv-03953-SI (this case is fully argued and briefed is awaiting decision only); and *Wyoming v. EPA*, Nos. 14-9512 and 14-9514 (10<sup>th</sup> Cir.) (the standard of review argument advanced in the amicus brief that Oklahoma joined was uncontested on review).

Thus far, I have not participated in any of the cases listed in this recusal statement officially at all and will continue to recuse for now. In the event that I wish to participate, I will seek an ethics determination from the DAEO, who will apply the federal impartiality standard set forth at 5 C.F.R. § 2635.502. I understand that my professional responsibility obligations may impose consent requirements in order to participate. I will provide notification of such consent, if sought and obtained, to EPA's ethics officials.

#### *Screening Arrangement*

In order to help ensure that I do not participate in matters relating to any of the entities listed above, I have taken or will take the following steps:

1. I am instructing Ryan Jackson, Chief of Staff to screen all EPA matters, including existing litigation, directed to my attention that involve outside entities or that require my participation, to determine if they involve any of the entities or organizations listed above.
2. Until such time as a Presidentially Appointed Senate confirmed appointee is confirmed and sworn into a position such as the Deputy Administrator, General Counsel or Assistant Administrator, I am designating the Chief of Staff to take appropriate action or refer it with the Agency for appropriate action or assignment, without my knowledge or involvement.
3. I will provide the Chief of Staff and Sarah Greenwalt, Senior Advisor to the Administrator, with a copy of this memorandum so that they may fully understand the purpose and scope of my

recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I am recused, I am directing the Chief of Staff and/or Ms. Greenwalt to seek the assistance of OGC/Ethics if they are ever uncertain whether or not I may participate in a matter.

4. I will provide a copy of this memorandum to my principal subordinates. I will also instruct my principal subordinates that all inquiries and comments involving any of the entities listed above should be directed to the Chief of Staff without my knowledge or involvement.
5. In consultation with OGC/Ethics, I will revise and update my ethics agreement and/or this memorandum whenever is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.
6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to the Chief of Staff, OGC/Ethics, and any principal subordinates.

cc: Ryan Jackson, Chief of Staff  
Sarah Greenwalt, Senior Advisor to the Administrator  
Kevin S. Minoli, Designated Agency Ethics Official  
Justina Fugh, Alternate Designated Agency Ethics Official





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 8 2018

OFFICE OF WATER

**MEMORANDUM**

**SUBJECT:** Recusal Statement

**FROM:** David P. Ross  
Assistant Administrator

A handwritten signature in blue ink, appearing to read "D. Ross", is placed next to the name David P. Ross.

**TO:** E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.



I am disqualified from participating personally and substantially in any particular matter that would have a direct and predictable effect on certain financial interests imputed to me under 18 U.S.C. § 208. These recusals are in place for as long as my imputed interest owns stock in the following:

Particular Matters of General Applicability AND Particular Matters Involving Specific Parties
ADP

#### *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to my former employers, the Wisconsin Department of Justice and the Wyoming Attorney General's Office. The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me. The definition of "former employer" in the Executive Order excludes state government.<sup>1</sup> Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

#### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal impartiality standards, I understand that I have a "covered relationship" with any former employer I've served within the last year who is a state government. However, on January 11, 2018, the EPA's Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Wisconsin, but not on the very same specific party matters on which I worked on personally and substantially while employed with the Wisconsin Department of Justice.

#### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Thus, I will not participate in the following matters:

<sup>1</sup> See Exec. Order 13770, Section 2(j), which provides that "'former employer' does not include ... State or local government."

CASE NAME and/or SUBJECT MATTER:	CITATION and/or DESCRIPTION:
All litigation challenging the June 2015 Clean Water Rule, including: <sup>2</sup> <ul style="list-style-type: none"> <li>- National Association of Manufacturers, <i>petitioner</i>, v. U.S. Department of Defense, <i>et al. respondents</i></li> <li>- Murray Energy Corporation v. EPA, <i>et al.</i></li> <li>- State of Georgia, <i>et al.</i> v. E. Scott Pruitt, <i>et al.</i></li> <li>- North Dakota, <i>et al.</i> v. EPA, <i>et al.</i></li> </ul>	No. 16-299 (S. Ct.)  No. 15-3751 (6th Cir.)  No. 15-14035 (11th Cir.)  No. 3:15-cv-00059 (D.N.D.)
State of Wisconsin v. Madison-Kipp Corp. <sup>3</sup>	No. 12-CX-46 (Dane County)
Matters related to the Pebble Mine near Bristol Bay, Alaska	Includes any associated litigation, settlement agreement, and permitting <sup>4</sup>

### SCREENING ARRANGEMENT

In order to ensure that I do not participate in the matters listed above, I will instruct Lee Forsgren, Deputy Assistant Administrator, to assist in screening EPA matters directed to my attention. All inquiries and comments involving the matters on my recusal list should be directed to Mr. Forsgren without my knowledge or involvement until after my recusal period ends.

If Mr. Forsgren determines that any of the matters listed on my recusal list is involved, then he will refer it for action or assignment to another, without my knowledge or involvement. In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

### UPDATE AS NECESSARY

<sup>2</sup> I am advised by OGC/Ethics that my recusal is limited to these specific party matters challenging the Clean Water Rule issued in June 2015. I understand that I am not recused from working on other rulemakings or related matters, including the two-step rulemaking process intended to review and revise the definition of "waters of the United States" (Step 1 rule and Step 2 rule), and any subsequent litigation from such rulemakings.

<sup>3</sup> Although not necessarily required, I am voluntarily recusing myself from any SDWA or TSCA (PCB) matters at the Madison-Kipp Corporation facility to avoid the appearance of any impropriety under federal ethics or professional responsibility obligations.

<sup>4</sup> In an abundance of caution to avoid even the appearance of an ethical or professional responsibility concern, my recusal includes, but is not limited to, Pebble Ltd. P'tship v. EPA, *et al.*, No. 3:14-cv-00097-HRH (D. Alaska), and other associated lawsuits, as well as the subsequent May 11, 2017 Settlement Agreement addressing all of these matters.

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff  
D. Lee Forsgren, Jr., Deputy Assistant Administrator  
Benita Best-Wong, Acting Principal Deputy Assistant Administrator  
Justina Fugh, Senior Counsel for Ethics





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
THE ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Justin Schwab  
Senior Legal Advisor

TO: Don Benton  
Senior White House Advisor

Charles Munoz  
White House Liaison

*Jn J L 02/10/2017*

This memorandum provides you with written notification of my obligation to recuse myself from participation personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me unless I first obtain a written waiver, pursuant to § 208(b)(1), or qualify for a regulatory exemption, pursuant to § 208(b)(2). Because of the current level of my financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects *Microsoft* as a specific party.

In addition, I understand I am obliged to recuse myself from certain matters in which I have a covered relationship under the federal impartiality regulations. I am prohibited from participating in any particular matter in which my former employer, *Baker and Hostetler*, is or represents a party. I understand that my recusal lasts for one year from the date that I left the firm, so this recusal will end on January 19, 2018.

I further understand that I have a covered relationship with *any client* for whom I provided legal services. I understand that there is no *de minimis* exception for the provision of such services and that the ethics rules address any "person" to whom such services were provided, which can include subsidiaries. I will personally monitor my recusal list and promptly recuse myself as appropriate. For federal ethics purposes, this recusal remains in effect for one year from the date that I last provide services to that client or unless I am first authorized by the Office of General Counsel/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). But I understand that I am also subject to my own bar obligations.

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, and/or when I change positions within EPA. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to the appropriate supervisor, OGC/Ethics, and any principal subordinates.

I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

cc: Justina Fugh, Senior Counsel for Ethics

 02/10/2017





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

AUG 7 - 2017

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Justin Schwab  
Deputy General Counsel

TO: Kevin S. Minoli  
Acting General Counsel  
Designated Agency Ethics Official

A handwritten signature in black ink, appearing to read "Justin Schwab", is positioned to the right of the "FROM:" field.

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum updates my earlier recusal by specifying my former clients, but I have been complying and will continue to comply with my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. Because of the current level of my financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects **Microsoft** as a specific party.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13,770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my



former employer, **Baker and Hostetler LLP**, or any former client to whom I provided legal services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties. Set forth below are my former clients identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA.<sup>1</sup>

RECUSAL LIST	
In effect until January 23, 2019	
FORMER EMPLOYER: Baker and Hostetler LLP	
<p>FORMER CLIENTS:</p> <p>AK Steel Corporation  American Bureau of Shipping  American Fuel &amp; Petrochemical Manufacturers  Arcelormittal Usa LLC  Association of Battery Recyclers  Big River Steel, LLC  Broadwood Investment Holdings, LP  Cape Wind Associates, LLC  Caterpillar, Inc.  Cato Institute  Chevron U.S.A. Inc.  Colgate-Palmolive Company  Competitive Enterprise Institute  C.R. Bard, Inc.  Grupo Ferré Rangel  JTEKT North America Corporation  Mississippi Silicon, LLC</p>	<p>NYK Line North America, Inc.  Oldcastle Materials, Inc.  Pentair Residential Filtration, LLC  Resolute Forest Products Inc.  Salt River Pima-Maricopa Indian Community  Sanders Lead Company, Inc.  Shamrock Foods Company  State Government Leadership Foundation  Sunoco, Inc.  The Aluminum Association, Inc.  The Center for Consumer Freedom  The National Center for Public Policy Research  The Scotts Company, LLC  The Southern Company  Trafigura Trading LLC  United States Beet Sugar Association  Valero Renewable Fuels Company, LLC</p>

<sup>1</sup> For my former clients that are not listed, I understand that I am personally obliged not to participate in specific party matters for the duration of my ethics obligations.

## *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

I am advised by OGC/Ethics that Executive Order 13770 defines “former employer” to exclude state government,<sup>2</sup> and the Office of Government Ethics has determined that the same exclusion applies to the definition of “former client.”<sup>3</sup> But as an executive branch employee, I understand that I am also subject to the federal impartiality standards and have a one-year cooling off period with any former client who is a state government. Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which the **State of Oklahoma** or the **Virginia House of Delegates** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). For federal ethics purposes, I understand that my recusal remains in effect for one year from the date that I last provided services to that client, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. My recusal will end with regard to the State of Oklahoma on September 23, 2017, and with regard to the Virginia House of Delegates on August 31, 2017.

## *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

## *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct David Fotouhi, Deputy General Counsel, and Richard Albores, Associate Deputy General Counsel, to assist in screening EPA matters directed to my attention that involve these entities. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics. I will also instruct my principal subordinates that all inquiries and comments involving the entities on my recusal list should be directed to Justin and Rich without my knowledge or involvement until after my recusal period ends.

If Mr. Fotouhi or Mr. Albores determine that a particular matter will directly involve any of the entities listed on my “specific party” recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with

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<sup>2</sup> See Exec. Order 13,770, Section 2(j), which provides that “‘former employer’ does not include ... State government.”

<sup>3</sup> See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, “[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE’s prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders,” and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that “based on discussions with the White House Counsel’s office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer.”



OGC/Ethics for a determination.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC, including OGC/Ethics.

cc: Elise Packard, Acting Principal Deputy General Counsel  
Erik Baptist, Senior Deputy General Counsel  
David Fotouhi, Deputy General Counsel  
Richard L. Albores, Associate Deputy General Counsel  
OGC Associate General Counsels and Directors  
Justina Fugh, Senior Counsel for Ethics  
Regional Counsels






UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**MEMORANDUM**

FEB 12 2018

SUBJECT: Recusal Statement

FROM: Cosmo Servidio   
Regional Administrator

TO: E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and the Region's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics



obligations with respect to my former employer, the Bucks County Water & Sewer Authority (BCWSA), and, by extension, Bucks County, Pennsylvania. The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employers do not apply to me. The definition of "former employer" in the Executive Order excludes local government.<sup>1</sup> Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

#### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to federal ethics rules, I understand that I have a one-year cooling off period with my former employer. For one year after my resignation from BCWSA, I am prohibited from participating personally and substantially in any particular matter involving specific parties in which BCWSA or Bucks County is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). On November 15, 2017, EPA's Designated Agency Ethics Official issued an impartiality determination authorizing me to participate in particular matters that involve BCWSA or Bucks County, Pennsylvania with the following limitation: I must recuse myself from participation in EPA specific party matters if I participated personally and substantially in the same specific party matters while employed with the BWSCA.

#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics or the Region's ethics team, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and my principal subordinates.

cc: Ryan Jackson, Chief of Staff  
Cecil A. Rodrigues, Deputy Regional Administrator, Region III  
Mary Coe, Regional Counsel, Region III  
Deane Bartlett, Regional Ethics Counsel, Region III  
Justina Fugh, Senior Counsel for Ethics

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<sup>1</sup> See Exec. Order 13,770, Section 2(j), which provides that "'former employer' does not include ... State government."





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 31 2017

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Patrick Traylor  
Deputy Assistant Administrator

TO: Lawrence Starfield  
Acting Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner, or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my



former employer, Hogan Lovells US LLP, or any former client to whom I provided legal services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

RECUSAL LIST	
In effect until June 5, 2019	
FORMER EMPLOYER: Hogan Lovells US LLP	
FORMER CLIENTS:	
3M Company AB Volvo American Petroleum Institute BHP Billiton Petroleum (Deepwater), Inc. Bio Springer North America Corporation Bloom Energy Corporation Broken Hill Proprietary (USA) Inc. Calumet Specialty Products Partners, L.P. Crescent Point Energy US Corp. Daimler Trucks North America LLC Delfin LNG LLC Denbury Resources, Inc. Detroit Diesel Company Edison Transmission, LLC Flint Hills Resources, LLC Forest River, Inc. Fujicopian Co. Ltd. Fulcrum Bioenergy, Inc. Glenfarne Group, LLC Gopher Resources LLC Gulf Pacific Power, LLC Harbert Power Fund V, LLC Howard Midstream Energy Partners, LLC INEOS USA LLC Koch Companies Public Sector, LLC Koch Minerals	Latticework Capital Management, Inc. Meggitt-USA, Inc. Nextera Energy Resources, LLC NRG Energy, Inc. One Rock Capital Partners, LLC PPG Industries, Inc. QTS Realty Trust, Inc. RPM Access, Inc. SABIC Innovative Plastics US LLC SGC Energia Co LLC Solarcity Corporation Southern California Edison Co. The AES Corporation The C. Reiss Coal Company Thompson Pump & Manufacturing Company Transocean Offshore Deepwater Drilling, Inc. UGI Energy Services and UGI Development Company United States Steel Corporation Venture Global LNG, Inc. Vibracoustic GMBH Vopak LNG Holding B.V. Vopak North America Inc. Xanterra Parks & Resorts, Inc.

## *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

## *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Larry Starfield to assist in screening EPA matters directed to my attention that involve my former employer or my former clients as a specific party. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics. I will also instruct my principal subordinates that all inquiries and comments involving the entities on my recusal list should be directed to Mr. Starfield without my knowledge or involvement until after my recusal period ends.

If Mr. Starfield determines that a particular matter will directly involve any of the companies listed on my "specific party" recusal list, then he will refer it for action or assignment to another, without my knowledge or involvement. In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination.

## *UPDATE AS NECESSARY*

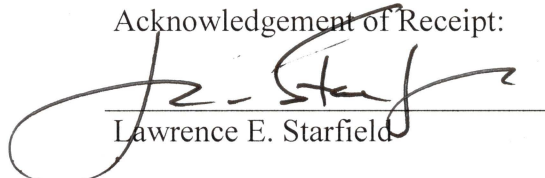
In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and any principal subordinates.

## *DISTRIBUTION*

I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics. I will also instruct my principal subordinates that all inquiries and comments involving any of the entities listed above should be directed to Mr. Starfield or you without my knowledge or involvement.

cc: OECA Office Directors  
Justina Fugh, Senior Counsel for Ethics

Acknowledgement of Receipt:

  
Lawrence E. Starfield



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF  
RESEARCH AND DEVELOPMENT

### MEMORANDUM

SUBJECT: Recusal Statement

FROM: Richard Yamada  
Deputy Assistant Administrator

TO: Dr. Jennifer Orme-Zavaleta  
Acting Assistant Administrator

*Richard Yamada* 11/22/17

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

### *FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Because of the current level of my financial ownership, I understand that I am disqualified from participating personally and substantially in any particular matter that will have a direct and predictable effect upon Berkshire Hathaway Inc. (BRK) and any of its subsidiaries as a specific party or as a member of an affected class, including any particular matter of general applicability that is focused on sectors in which BRK and its subsidiaries operate (e.g., pipelines,



renewable fuels, alternative fuels, natural gas, and electricity). I have consulted with OGC/Ethics and been advised that they do not anticipate that my work in ORD is likely to have a direct and predictable financial effect upon BRK. Should a situation arise in which BRK or any of its subsidiaries is a specific party in a particular matter, or if my work is focused on one of BRK's industrial sectors, then I will consult with OGC/Ethics prior to participation.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Chris Robbins, Deputy Ethics Official  
Justina Fugh, Senior Counsel for Ethics